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DEPT FOR EUR/SCA (J. MUDGE), DRL/PHD (C. KUCHTA-HELBLING)

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TAGS: PGOV PHUM KZ

SUBJECT: KAZAKHSTAN: OPPOSITION SKEPTICAL ON SARSENBAIULY INVESTIGATION, DEMOCRATIZATION COMMISSION

REF: A. ALMATY 1018

1B. ALMATY 1017 (NODIS)
1C. 3/28 ALMATY CABLE ON DEMONSTRATION

Classified By: Ambassador John Ordway, reasons 1.4 (B) and (D).

11. (C) Summary: In separate meetings with the Ambassador, leaders of True Ak Zhol and For a Just Kazakhstan expressed impatience with the lack of official information on the Sarsenbaiuly murder investigation and skepticism regarding the official version of events. Although supportive of the FBI's consultative role in the investigation as a way to increase transparency and accountability, they expressed concern that the U.S. could be associated with any GOK efforts to cover up the truth. The Ambassador said that the FBI, and the U.S., would not be associated with an investigation that was not being conducted properly. The opposition leaders explained that their organizations would not participate in the first session of the State Commission on Democratization on March 24 due to unresolved questions about the Sarsenbaiuly murder and about the structure and true purpose of the body. All expressed hope that true dialogue with the Kazakhstani authorities would be possible, whether through the Democratization Commission or in other channels. End summary.

12. (SBU) The Ambassador met with True Ak Zhol co-chair Oraz Zhandosov and "For a Just Kazakhstan" (FJK) general secretary Tulegen Zhukeev on March 20 in Almaty to discuss the political environment in the wake of the Sarsenbaiuly murder. He also met with FJK leader Zharmakhan Tuyakbay on March 22 in Almaty.

True Ak Zhol Registered

13. (SBU) Zhandosov informed the Ambassador that the Supreme Court would consider True Ak Zhol's registration application the following day. Not displaying great optimism, Zhandosov speculated that the authorities had purposely dragged out the process because they did not want to announce a decision during the 40-day mourning period for Sarsenbaiuly. (Note: The Ministry of Justice announced on March 21 that it had registered the party, thereby putting an end to the appeals process. Most political observers saw it as a political decision intended as a gesture to the opposition in the wake of the murder and subsequent arrests of opposition leaders. End note.)

¶4. (SBU) Asked if the delay might have reflected the authorities' desire to wait and see how the opposition would reorganize in the wake of Galymzhan Zhakiyanov's release, Zhukeev minimized what he termed the Zhakiyanov factor. The authorities were most concerned with the public reaction to recent events, he said. Zhukeev claimed that the March 18 FJK rally (Ref A) had attracted 5000-6000 participants and had demonstrated that the opposition was strong but responsible. (Note: The actual number of attendees was 2000 or less. End note.)

Sarsenbaiuly Murder Investigation

¶5. (C) Turning to the murder investigation, Zhandosov pointed out that the Ministry of Internal Affairs had made no public announcements for three weeks. He interpreted the official silence as a sign the authorities were very worried, adding that Nazarbayev probably regretted having publicly endorsed the initial investigation results pointing toward Utembayev. In response to Zhandosov's questions, the Ambassador explained the FBI's consultative role in the investigation and underscored the USG's strong desire to see the investigation proceed to its logical end. He stressed that we would not be associated with an investigation that was not being conducted properly.

¶6. (C) Reiterating many of the questions post has heard from others (Ref B), Zhandosov expressed skepticism that someone as wealthy as Ibragimov -- who reportedly owns several houses and luxury vehicles -- would commit murder for "only" \$30,000. Such a sum is "peanuts" in the Kazakhstani context, according to Zhandosov; the real cost would be in the six figures. The circle of those who could have ordered the hit is small, he added, but declined to name any names.

¶7. (C) Zhukeev commented that the opposition wants the investigation to reveal the truth, not to implicate any

particular person. Having heard the Ambassador's explanation of the FBI's role, he hoped and believed the U.S. was playing a positive role. Zhukeev advised the U.S. to ignore the negative remarks of "genetically anti-American" groups like Solidarity (Ref C) who claimed the FBI was an unwitting part of a cover-up. "Sarsenbaiuly was a pragmatic, realistic, and wise person who knew when to compromise," Zhukeev said. "In his memory," the opposition will also seek to be pragmatic and wise. He expressed the hope that Nazarbayev, who he said had changed and become very detached in recent years, would once again become involved in the political realm and carry out "deliberate" policies as he used to. If the president is pragmatic and realistic, Zhukeev said, we are ready to work with him.

¶8. (C) Tuyakbay told the Ambassador that the ultimate impact of the murder of Altynbek Sarsenbaiuly will depend on what conclusions Nazarbayev draws from it. After placing his cell phone on the other side of the room to avoid eavesdropping, Tuyakbay said that Nazarbayev dreads learning the truth, as any scenario will be damaging to him. Tuyakbay claimed that the order had been given at the highest levels not to allow the official investigation to proceed, because there is concrete evidence of higher-level involvement. Tuyakbay said that "intermediaries" had approached him and asked him to end the activities of the public (i.e., non-governmental) commission that is following the investigation. Pointing upward in the Kazakhstani sign language for Nazarbayev, Tuyakbay said that the message had been that "he" knows who is responsible and plans to deal with the situation in his own way. (Tuyakbay later indicated that the one "responsible" is Nazarbayev's son-in-law, Rakhat Aliyev.) The members of the public commission had looked at all available evidence and were very skeptical that Utembayev had ordered the killings, Tuyakbay added.

¶9. (C) Tuyakbay told the Ambassador that he was pleased that the FBI was taking part in the investigation. He warned that the USG could be held hostage to the decisions of others, however. Tuyakbay also noted that as the former Procurator General he knew how common it was to falsify evidence in these types of investigations; it struck him as far too "convenient" and likely a set-up that so much evidence had been discovered so quickly.

State Commission on Democratization

¶10. (SBU) When asked about the State Commission on Democratization, Zhandosov said the opposition did not see it as a serious step forward, although it could be one small part of a realistic overall approach to reform by the GOK. The opposition expected President Nazarbayev to give a speech outlining the limits of what he is ready to do now, rather than launching an open dialogue. Zhandosov stressed that the main long-term political question is the transfer of power. Zhukevyev disagreed, saying that it was also important to discuss such things as reforming parliament. He was reserving judgment on the commission until after the first session; he wanted to see if it was just "all speeches." If the commission was "real," the opposition was ready to engage in dialogue. Zhukevyev added that the murder and subsequent protests had resulted in changes to the political reform section of Nazarbayev's March 1 address to the nation.

¶11. (SBU) Tuyakbay informed the Ambassador that he did not intend to participate in the Democratization Commission. No one from the GOK had even contacted him about the event, Tuyakbay added; a "strange telegram" had arrived that day giving the time and place of the meeting, but containing no details or rsvp information. FJK had decided not to participate for a number of reasons, Tuyakbay explained. First and foremost was the lack of results in the murder investigation. They were also concerned about the format and procedures. Would the opposition be a tiny minority? Would they be given the opportunity to speak? Would Nazarbayev participate?

¶12. (SBU) The likely shortcomings of the Democratization Commission aside, Tuyakbay continued, the opposition must find a way to establish "civilized relations" with the government. Parliament is not a useful venue because it is not capable or legitimate, he observed.

Comment

¶13. (C) Comment: Judging from the behavior of our usually outspoken contacts, the Sarsenbaiuly murder has increased the level of fear among the opposition to levels not seen in recent years. That fear is only enhanced by a marked drop in the amount of insider information from law enforcement authorities that was previously flowing quietly to the opposition. We know from the FBI's involvement in the investigation that the Interior Ministry has dramatically reduced the number of personnel with full knowledge of the investigation, perhaps to as few as five officials. This is almost certainly due to the fact that the investigation is increasingly pointing to someone other than Utembayev as the principal instigator of the murder. Assuming that sufficient evidence is generated to implicate someone specific, Nazarbayev will have no choice but to deal with the problem head on, even if it is someone as closely identified with him as Aliyev. The alternative -- to demonstrate uncharacteristic weakness -- would diminish, if not eliminate, his ability to rule the country. It remains an open question as to whether Nazarbayev will allow the investigation to proceed to its logical conclusion, or terminate it and seek to deal with the culprit privately. Our involvement significantly raises the potential domestic and international costs of taking what otherwise might appear to be the easier route of dealing with the problem

"off-line." In the meantime, we do not yet have any signals that the investigation has been pulled back. Moreover, Interior Minister Mukhamedzhanov's March 24 public statement that "new circumstances have emerged" that will be announced to the media suggests that the investigation will expand beyond the 10 persons currently in custody. End comment.

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